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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,317	11/21/2003	Sumita Rao	UTL 00388	3079
32968 7590 08/16/2010 KYOCERA INTERNATIONAL INC. INTELLECTUAL PROPERTY DEPARTMENT P.O. BOX 928289 SAN DIEGO, CA 92192				
EXAMINER WIENER, ERIC A				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
08/16/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/719,317

**Applicant(s)**

RAO, SUMITA

**Examiner**

Eric Wiener

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/2010 has been entered.
2. Claims 30 – 43 are pending. Claim 30 is the independent claim. Claims 31 – 43 are new. Claim 30 is currently amended. Claims 1 – 29 have been previously cancelled. Claims 30 – 43 have been rejected by the Examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 30 – 40, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathews et al. (US 7,500,198 B2).

**As per independent claim 30**, Mathews discloses *a method for arranging and playing a media presentation, comprising:*

- *receiving a selection of a plurality of media objects to be included in a media presentation, receiving configuration instructions for ordering the plurality of media objects in the media presentation, and generating a media package comprising the selected media objects in said order* (column 3, line 56 – column 4, line 14; column 5, lines 9 – 11; and column 6, lines 39 – 67);
- *identifying a trigger event to be associated with the media package, generating an association list, and associating said trigger event with said media package in said association list* (column 4, lines 19 – 44; column 5, lines 47 – 65; and column 6, lines 23 – 38); *and*
- *transmitting the media package and said association list to a wireless communication device for storage on the wireless communication device* (column 4, lines 54 – 59; column 5, line 66 – column 6, line 22; and column 6, line 64 – column 7, line 3).

**As per claim 31**, and taking into account the rejection of claim 30, Mathews further discloses that *the trigger event is a call processor event* (column 7, lines 3 – 41).

**As per claim 32**, and taking into account the rejection of claim 31, Mathews further discloses that *the call processor event is a call ended event* (column 7, lines 31 – 41).

**As per claim 33**, and taking into account the rejection of claim 31, Mathews further

discloses that *the call processor event is a call dropped event* (column 7, lines 31 – 41).

**As per claim 34**, and taking into account the rejection of claim 31, Mathews further discloses that *the call processor event is a call received event* (column 7, lines 3 – 41).

**As per claim 35**, and taking into account the rejection of claim 34, Mathews further discloses that *the call received event is a voice call received event* (column 7, lines 3 – 41).

**As per claim 36**, and taking into account the rejection of claim 34, Mathews further discloses that *the call received event is a paging call received event* (column 7, lines 3 – 41).

**As per claim 37**, and taking into account the rejection of claim 34, Mathews further discloses that *the call received event is an SMS message received event* (column 5, line 57).

**As per claim 38**, and taking into account the rejection of claim 34, Mathews further discloses that *the call received event is a text message received event* (column 5, line 57).

**As per claim 39**, and taking into account the rejection of claim 30, Mathews further discloses that *the trigger event is a key press event* (column 5, lines 55 – 56).

**As per claim 40**, and taking into account the rejection of claim 30, Mathews further discloses that *the trigger event is a wireless device status event* (column 4, lines 21 – 28 and

column 5, lines 50 – 61).

**As per claim 42**, and taking into account the rejection of claim 40, Mathews further discloses that *the wireless device status event is a no carrier received event* (column 4, lines 25 – 26 and column 5, line 59).

**As per claim 43**, and taking into account the rejection of claim 30, Mathews further discloses that *the trigger event is a position location event* (column 4, lines 25 – 26; column 5, line 56; and column 7, lines 56 – 66).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews et al. (US 7,500,198 B2) in view of Hansson (US 6,323,775 B1).

**As per claim 41**, Mathews sufficiently discloses the limitations of claim 40.

Mathews does not explicitly disclose that the wireless device status event is a low battery condition event.

Nevertheless, in an analogous art, Hansson discloses that *a wireless device status event*

*may be a low battery condition event* (column 1, line 57 – column 2, line 17).

Both Mathews and Hansson pertain to the analogous art of updatable displays of portable communication devices (Mathews, Abstract and Hansson, column 1, lines 7 – 11), and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Hansson discloses that “there exists a need to notify the user of a low battery condition in a manner that increases the likelihood that the battery can and will be recharged” (Hansson, column 2, lines 14 – 17). Furthermore, Mathews discloses that “current mobile handsets do not have interfaces or other functionality that dynamically changes based on internal or external triggers related to the mobile handsets” (Mathews, column 1, lines 36 – 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Mathews and Hansson, because one would appreciate the ability to use internal or external triggers to notify users of relevant functionality such as the condition of the battery.

#### ***Response to Arguments***

7. Applicant’s arguments filed on 3/18/2010 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment

#### ***Conclusion***

8. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have

reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

9. *The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.*

*Cited art of particular note includes, but is not limited to:*

- *Noesgaard et al. (US 7,113,809 B2)*
- *Haller et al. (US 6,909,878 B2)*
- *Giacalone, Jr. (US 7,228,341 B2)*
- *Kirby et al. (US 2004/0165006 A1)*
- *Lowe (US 7,123,696 B2)*
- *Merrill et al. (US 2004/0002943 A1)*
- *Freeman et al. (US 5,861,881)*
- *Hempleman et al. (US 6,243,725 B1)*
- *Irvin (US 6,360,101 B1)*
- *Wells et al. (US 5,870,683)*
- *Makipaa et al. (US 2003/0169306 A1)*
- *Farber et al. (US 5,819,284)*
- *Knepper (US 6,763,272 B2)*
- *Loughran (US 7,231,198 B2)*
- *King et al. (US 2002/0055992 A1)*



- ***Fukuda (US 6,810,115 B2)***

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/  
Examiner, Art Unit 2179

/TuyetLien T Tran/  
Examiner, Art Unit 2179